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RIDGWAY M. HALL, JR.  
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December 6, 1984

Mr. William N. Hedeman, Jr.  
Director, Office of Emergency  
and Remedial Response (WH-548)  
U.S. Environmental Protection Agency  
401 M Street, S.W.  
Washington, D.C. 20460

Re: Proposed Amendment to CERCLA National Priorities  
List, 49 Fed. Reg. 40320, et seq. (October 15, 1984)

Dear Mr. Hedeman:

Thank you for your letter of November 22. While we were disappointed by your decision not to extend the comment deadline on the October 15 proposed additions to the NPL, we understand the programmatic reasons for not wanting to make an across-the-board extension on a proceeding which involves approximately 238 sites in order to accommodate the needs and circumstances of the potentially affected parties at just one of those sites (and perhaps at least some others who may be under similar time constraints).

Winnebago Reclamation Service, Inc., will submit rule-making comments relating to the Winnebago Reclamation/Pagel's Pit site by December 14. We will make those comments as complete as we can based on information available to us at that time, although I am not at all sure at this point that we will have even preliminary results from the groundwater monitoring study. The contractor is moving as expeditiously as possible with that study and is still projecting a completion date for mid-February, 1985. We will submit the results of that study and any accompanying supplemental comments to EPA just as soon as the results are available.

We appreciate your flexibility in reconciling EPA's program objectives of completing the comment period with the needs and constraints of our client in getting to EPA all the

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relevant facts. Our problem, as I outlined in my letter of October 19, is simply one of needing enough time to complete a high quality piece of work which simply cannot be done any faster than the present schedule projected by the contractor. I know that you and EPA over the years have had ample experience with the problems posed by deadlines set by Congress or courts or others which simply cannot be met consistent with getting a quality work product completed, and I ask only that you accommodate those of use who find ourselves unavoidably in a similar position. In that regard, with reference to your comments on my letter to Lisa Friedman mentioning my discussions of the timetable with Joe Gearo, I did state in that letter that Mr. Gearo took no formal position on behalf of the Agency, but that we simply discussed a number of options, including the possibility of deferring action on this particular site if that is necessary to enable the Agency to give meaningful consideration to information which is of decisional importance. We think this makes sense, and I believe that this is consistent with the position indicated in your letter.

One of the principal points we will be making in the comments which we will submit on or before December 14 is that the data used by EPA to infer that a release of hazardous substances has occurred at the Winnebago Reclamation/Pagel's Pit site, including the draft remedial investigation study done for the nearby upgradient Acme Solvents Superfund site, is flawed and seriously incomplete, and contains some critical unwarranted assumptions. We believe that a fair interpretation of that data base leads to the conclusion that there is no direct evidence of any release from this site. Even if circumstantial evidence coupled with assumptions based on the presence of substances in the area which apparently came from the Acme Solvents site are used in a Hazard Ranking System evaluation of this site, the HRS score is well below 28.50. In either case this site should not be on the NPL.

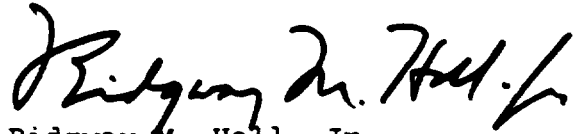
The studies which are now under way are specifically designed to fill at least the more important gaps in the current data base regarding Pagel's Pit. We believe that the results of those studies will confirm that Pagel's Pit should not be on the NPL. It may be that EPA will reach that conclusion after our December 14 comments. The subsequent study should provide important additional information in an area where very little currently exists.

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We look forward to working with you and your staff as  
this matter proceeds.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Ridgway M. Hall, Jr.", written in a cursive style.

Ridgway M. Hall, Jr.  
Counsel for Winnebago Reclamation  
Service Inc.